

**Floor Remarks of  
The Honorable Henry J. Hyde  
regarding H.R. 5682,  
the “United States and India Nuclear Cooperation Promotion Act  
of 2006”  
Wednesday, July 26, 2006**

I rise in support of H.R. 5682, the U.S.-India Nuclear Cooperation Promotion Act of 2006, which the Committee on International Relations ordered reported by a vote of 37-5 on June 28<sup>th</sup>. This is truly a bi-partisan effort.

This bill is based on the Administration’s original proposal, H.R. 4974, which Mr. Lantos and I introduced last fall at the request of Secretary Rice. Current law does not permit civil nuclear trade with India. That legislation would have authorized the President to waive a number of provisions of the Atomic Energy Act of 1954, as amended, to allow him to negotiate an agreement establishing civil nuclear cooperation with India. This agreement will permit the U.S. to sell technology to India for nuclear power development. In return, India will open up for inspection its civilian nuclear program to international inspections, and also agree not to test nuclear weapons and abide by nuclear export controls.

H.R. 5682 takes the President’s bill as a starting point and amends it in several key ways. The most important of these is that the process of Congressional consideration has been reversed, meaning that the agreement cannot go into effect unless Congress approves it. This seemingly small change actually has great ramifications for the role of Congress as it ensures that we will retain a substantive role in the negotiation and implementation of this historic and far-reaching agreement.

Other major improvements in this bill include strengthening the conditions which the President must certify. The original, vague generalities have been made more specific and require a number of conditions to have already been met instead of being open-ended. The most important of these include:

- 1) India has provided the United States and the International Atomic Energy Agency (IAEA) with a “credible” plan to separate its civilian and military facilities;

- 2) India has concluded a safeguards agreement with the IAEA regarding its civilian nuclear facilities;
- 3) India and the IAEA are making “substantial progress” toward concluding an Additional Protocol, which is a set of enhanced safeguards and inspection measures that the United States is urging all countries to negotiate for themselves;
- 4) India and the United States are working toward a multilateral Fissile Material Cutoff Treaty;
- 5) India is working with the United States to prevent the spread of enrichment and reprocessing technology; and
- 6) India is taking steps to secure its nuclear and other sensitive materials and technology through enhanced export control legislation and harmonizing its export control laws, regulations, and procedures with international standards; and the Nuclear Suppliers Group, also known as the NSG, has voted to change its guidelines to allow civil nuclear trade with India. As many of you know, the NSG is a voluntary group of countries that export nuclear materials and technology and that coordinate their export policies regarding other countries. Currently, those guidelines do not permit nuclear trade with India.

In addition, the legislation requires detailed annual reports on the implementation of the U.S.-India agreement and on U.S. nonproliferation policy with respect to South Asia. There are also sections on Sense of Congress and Statements of Policy that, although containing many useful provisions, I won't describe in detail now.

Taken together, the Committee believes that this bill represents a judicious balancing of competing priorities and will help lay the foundation for an historic rapprochement between the United States and India, while also protecting the global nonproliferation regime.

Having described the major components of the bill, let me take a moment to address some of the arguments made by supporters and opponents.

I have yet to hear any objection raised by any member regarding the desirability of improving U.S.-India relations in general. She is the largest democracy in the world with 1.1 billion people. The announcement on July 18<sup>th</sup> of last year by President Bush and Indian Prime Minister Singh of a new “global partnership” between our two countries has been almost

universally praised in this country and is rightly regarded as an historic achievement, and one that is long overdue.

That partnership embraces many elements, from combating the AIDS epidemic to collaboration on scientific research to closer cooperation in ensuring stability in South Asia and other regions. Among other benefits, the agreement on nuclear cooperation that this bill will make possible will help India address its pressing energy needs by allowing it to build several nuclear reactors to supply electricity, and lessening the need for petroleum.

A major argument in favor, however, is that a closer relationship with India is needed to offset the rising power of China. There is much merit to this view, and it is clear that the U.S. will need to draw upon new resources to handle the challenges of this new century.

In the end, this is a good deal for both the United States and India – while the world has known that India possesses nuclear weapons, India has not had a seat at the table of nuclear stakeholders. The agreement calls for the U.S. to sell technology to India for nuclear power development. In return, India will open its 14 civilian nuclear reactors to international inspections, agree not to test nuclear weapons, and abide by nuclear export controls.

This brings India into the mainstream with other accountable countries, giving rise to the same benefits and responsibilities as such other countries. It's important to note that this deal would improve international nuclear security and, at the same time, expand relations between the U.S. and one of the most important emerging nations in the world. It will enable India to make energy cheaper, cleaner and more accessible. It would create more customers for U.S. firms and, in the end, both countries will benefit.

I urge your support for this legislation.

I reserve the balance of my time.